



RSA-3395-2012(O&M)

-1-

210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3395-2012(O&M)
Date of decision:-23.07.2024

Gurpreet Singh

...Appellant

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Ms.Anju Arora, Advocate and
Ms.Neha Dalal, Advocate
for the appellant.

Mr.Anil Bansal, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

1. Plaintiff – appellant is in second appeal before this Court assailing the concurrent finding recorded by the Courts below.

2. Pleaded case of the plaintiff is that after being selected, he joined as a Forest Guard in the year 1998 and was Incharge of the Faridkot Beat. On the basis of an inquiry report dated 15.01.2007, he was served with a show-cause notice dated 23.04.2007 issued by defendant No.5 for recovery of Rs.3,24,700/- and of dismissal from

**RSA-3395-2012(O&M)****-2-****210**

service. Defendant No.5 compelled him to confess to the allegations by promising that he will be exonerated. However, on the basis of the confessional statement, defendant No.5 not only issued order dated 12.12.2007, Ex.P3, for recovery of the above mentioned amount, in installments, from his monthly salary, but also reverted him for five years to the basic pay scale of Forest Guard. Plaintiff filed a suit for declaration challenging the punishment order as being illegal, null and void as also for restraining the defendants from recovering the penalty.

3. Upon notice, defendants filed a joint written statement contesting the suit on various grounds. It was submitted that during inspection, 205 trees were found to be missing and a 'marketing list' was sent to the plaintiff vide letter No.8022 dated 22.02.2005, Ex.D3 but no reply was received. A charge-sheet dated 04.04.2005 Ex.D4 was served upon him under Rule 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970, but the plaintiff did not submit any response. An Inquiry Officer was appointed, who submitted his report dated 15.01.2007, Ex.D7. Show-cause notice dated 23.04.2007, Ex.D8 was issued to the plaintiff, but he did not file any response. Pursuant to another show-cause notice dated 14.05.1987, Ex.D9, on 28.05.2007, plaintiff moved an application Ex.D10, requesting the defendants to revoke the suspension order and agreed to pay for the deficient trees. His statement was also recorded on the same day. It was submitted that the plaintiff did not make any payment before approaching the Civil Court. Plaintiff did not file any replication and issues were framed on the basis of the pleadings of the parties, who led evidence in support of their case. After



RSA-3395-2012(O&M)

-3-

210

hearing the parties, Trial Court by judgment and decree dated 16.05.2011 dismissed the suit. First Appeal preferred by the plaintiff was rejected by the learned District Judge, Faridkot on 10.02.2012, resulting in the filing of the present appeal.

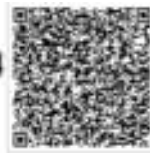
4. By placing reliance upon the judgment dated 07.08.2015 passed by this Court in RSA-4378 of 2011 titled as ***State of Punjab and others Versus Gurpreet Singh***, counsel for the appellant submits that the matter deserves to be remanded back to the departmental authorities as the matter in controversy is squarely covered by the said judgment.

5. Mr.Bansal, has fairly conceded that the factual controversy in both the appeals is the same.

6. I have considered the submissions of both the parties.

7. Both the Courts below have dismissed the suit primarily on the basis of the confession allegedly made by the plaintiff – appellant. It has been the stand of the plaintiff – appellant throughout that the confession was an extracted one and he had been coerced to admit the lapse on the pretext that he would be let off. Plaintiff has led evidence to this fact. However, both the Courts below have discarded his evidence, although there was no reason to do so.

8. Consequently, following the observations of this Court in Gurpreet Singh's case (supra), this Court is of the view that the matter deserves to be remitted to the disciplinary authorities for passing a fresh order. Plaintiff shall be afforded an opportunity to submit his explanation to the show-cause notice and the authorities would, after affording him with an opportunity of hearing, pass a fresh order after

**RSA-3395-2012(O&M)****-4-****210**

considering all the material placed before them. Impugned punishment order dated 12.12.2007 is set aside and the judgments and decrees passed by the Courts below are modified accordingly.

9. The departmental authorities would conclude the proceedings within a period of three months from the date of communication of a copy of this order. It is clarified that recovery, if any, effected from the plaintiff would not be refunded to him and would be dependent upon the outcome of the disciplinary proceedings.

10. Appeal is disposed of.

11. Pending application, if any, is disposed of.

(SUVIR SEHGAL)
JUDGE

23.07.2024**Brij****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**